

Date of Hearing: March 28, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION
Laura Friedman, Chair
AB 1713 (Boerner Horvath) – As Introduced January 26, 2022

SUBJECT: Vehicles: required stops: bicycles

SUMMARY: Permits a person over 18 years of age riding a bicycle approaching a stop sign on a two lane road with stop signs at all intersections to yield the right-of-way to any vehicles that have stopped at the entrance of the intersection, have entered the intersection, or are approaching the intersection, and to continue to yield the right-of-way until it is reasonable to proceed.

Specifically, **this bill:**

- 1) Requires California Highway Patrol (CHP) report to the Legislature on January 1, 2028, on the safety effects of this bill.
- 2) Provide that the changes made by this bill shall not affect the liability of a driver of a motor vehicle as a result of the driver's negligent or wrongful act or omission in the operation of a motor vehicle.
- 3) Provides that a bicyclist under 18 that failed to stop at a stop sign shall receive a warning ticket for their first violation.
- 4) Repeals the provisions of this bill on January 1, 2029.

EXISTING LAW:

- 1) Provides that a bicyclist has all the rights and is subject to all laws applicable to drivers of motor vehicles, including stopping at stop lights and stop signs.
- 2) Requires a driver of a vehicle to stop at the marked limit line for a red light or a stop sign, and allows a driver to proceed with a right hand turn or left hand turn from a one-way street onto a one-way street after stopping, if no vehicles or pedestrians have approached or are approaching the intersection.
- 3) Requires a driver of a vehicle to obey all official signs and signals, as defined.
- 4) Requires all pedestrians to obey all official signs and signals, as defined.
- 5) Requires a vehicle approaching a “yield right-of-way” sign to yield the right-of-way to any vehicles which have entered the intersection, which have entered the intersection, or which are approaching the intersection, and to continue to yield the right-of-way until they can proceed with reasonable safety.

FISCAL EFFECT: Unknown

COMMENTS:

Cycling is on the rise in California. According to the California Transportation Plan 2050 (CTP 2050), a publication from California Department of Transportation (Caltrans) that provides a blueprint for the future of California transportation, “In the months following the outbreak of COVID-19, more Americans embraced active travel. California cities that typically have low bicycle ridership, such as Riverside and Oxnard, experienced a 90% to 125% increase in bicycle miles traveled. Stockton, Bakersfield, Fresno, Sacramento, and San Diego also experienced increases of more than 50%. Trends suggest that travelers shifted from transit to active travel when COVID risks increased. In San Francisco, many residents who needed to make essential trips opted to walk or bike. Recreational biking and walking have also skyrocketed. The Rails-to-Trails Conservancy observed a 110% increase in trail use compared to the same period in 2019.”

CTP 2050 estimates that bicycle and pedestrian travel could increase by 45% by 2050. It goes on to note that this increase only represents a half percent mode shift away from auto use, and that “If we are to achieve our climate goals and improve public health and quality of life in California communities, we must do more to make active transportation a viable and competitive mode of transportation.”

One of the impediments towards increased bicycle use is traffic safety. Traffic collisions killed 455 cyclists in California between 2016 and 2018, the highest rate in any three-year period since the mid-1990s. According to the National Highway Traffic Safety Administration (NHTSA), 27% of cyclist fatalities occur at intersections.

Failing to stop at a stop sign makes up a very small portion of the number of cyclists killed every year in California. Between 2015 and 2020, 25 cyclists have died as a result of failing to stop at a stop sign. CHP data places the fault with the cyclist in 22 of the 25 cases. In addition, 2,744 cyclists have been injured as a result of someone failing to stop at a stop sign, 1,729 of which law enforcement attributed the cyclist to be at fault.

Very few tickets for cyclists failing to stop at a stop sign are issued by CHP. According to CHP, 767 cyclists have received a ticket for failing to stop at a stop sign between 2015 and 2020. Those numbers have been steadily declining, with 267 tickets being issued in 2015 to 191 being issued in 2019 and 51 in 2020. In comparison, CHP issued 14,461 tickets for vehicles failing to stop at a stop sign in 2020 alone.

In order to enhance cyclist safety at intersections, Idaho enacted a law in 1982 providing that instead of being required to stop at a stop sign, cyclists in Idaho are permitted to yield at a stop sign. In addition, cyclists can treat a red light as a stop sign if traveling through the intersection, and as a yield sign if making a right hand turn. As a result, this law is often referred to as the “Idaho stop.”

According to NHTSA’s report, *Impact of Bicycle Safety Laws*, “Starting from a dead stop requires substantially more physical effort from bicyclists than drivers in motor vehicles. At intersections, this can translate into longer wait times for motorists, and an annoyance to bicyclists. The Idaho Stop law was enacted in its titular State in 1982 to combat this. The Idaho Stop law allows for bicyclists to treat stop signs as yield signs and traffic signals as stop signs, provided they visually scan the intersecting roadway and determine that it is safe to proceed. Not requiring bicyclists to come to a complete stop decreases the time required to proceed through an intersection and is believed by some to make intersections safer for bicyclists.”

Idaho stood alone in such a law until 2017, when Delaware passed what some refer to as the “Delaware yield.” Unlike the Idaho stop, Delaware’s law allows cyclists to treat stop signs as yield signs only on two lane roads. The law was set to sunset in four years, and was made permanent last year.

In 2019, Arkansas joined Idaho in becoming the second state to allow bicyclists to treat stop signs as yield signs and traffic lights as stop signs. Oregon became the third state to adopt the Idaho stop the same year. In 2020 Washington joined Delaware in introducing the “Delaware yield.” However, unlike Delaware, Washington’s law is applicable on all roads and does not contain a sunset clause. In 2021, Oklahoma, Utah and North Dakota have also passed a version of the Idaho Stop or Delaware Yield as law.

Changing the law to remove the requirement for cyclists to stop at stop signs recognizes the behavior of cyclists today. According to research conducted at DePaul University, where it observed the behavior of nearly 900 cyclists in Chicago, only 4% of cyclists come to a full stop at four-way stops. The report also found that 65% of cyclists stop at traffic lights and then proceed through them, regardless of the light, if there is no cross traffic, and that 66% of cyclists yield at stop signs when cross traffic is present.

Last year the Legislature passed AB 122 (Boerner Horvath), which was nearly identical to this bill. Governor Gavin Newsom vetoed the bill, stating:

“While I share the author's intent to increase bicyclist safety, I am concerned this bill will have the opposite effect. The approach in AB 122 may be especially concerning for children, who may not know how to judge vehicle speeds or exercise the necessary caution to yield to traffic when appropriate.

Fatalities and serious injuries have been on the rise on the state's roads since 2010. The Statewide Integrated Traffic Records System shows that, since 2015, there were 3,059 crashes involving bicycles at an intersection in which the primary collision factor was failure to stop at a stop sign. The data indicates bicyclists were determined to be at fault for 88 percent of the collisions resulting in fatalities and 63 percent of those involving injuries.

I fully support safe and equitable access to the state's transportation network for bicyclists. The California Climate Action Plan for Transportation Infrastructure describes how the state will invest in the transportation network to create safe and accessible bicycle and pedestrian infrastructure. The Department of Transportation (Caltrans) and the California State Transportation Agency are increasing active transportation investments and will release design guidance on traffic calming measures this year to encourage more walking and biking through a safe systems approach. For these reasons, I am returning this bill.”

To address concerns raised by the Governor in the veto message, this version of the bill only authorizes cyclists over 18 to perform the Delaware yield, As a result, those under the age of 18 who follow the normal behavior of cyclists will face a \$238 ticket from law enforcement. Law enforcement will be required to distinguish the age of a cyclist when enforcing the law.

In addition, the author narrowed the scope of the bill, providing that a cyclist may only yield at a stop sign if they are on a two lane road approaching an intersection with stop signs at every intersection. Delaware’s law only applied to two lane roads, but applied at any stop sign regardless of whether there was a stop sign at every intersection.

The California Coalition for Children's Safety and Health, which raised the argument reflected in the Governor's veto message about the safety of children, remains opposed to the bill, arguing "The bill again ignores the fact that California already has one of the highest bicycle crash fatalities rates in the nation. AB 1713 also ignores the fact that traffic unintentional injuries are one of the leading causes of death and hospitalization of California's teens, youth, and children, which includes bicycle crash caused fatalities. Children and teens learn by example, you cannot set up an unsafe traffic behavior and think that this behavior will not rub off on our kids and teens. AB 1713 is a dangerous traffic safety law experiment."

Civicwell, writing in support of this bill, argues "Encouraging more trips by bicycle reflects state policy as demonstrated by a CalTrans goal to triple trips by bike. Cycling is good for public health, reduces traffic congestion, and reduces greenhouse gas emissions and air pollution.

Under current law, cycling is made more arduous and less convenient, thereby deterring more trips. Coming to a complete stop instead of safely yielding at an intersection requires expending 25% more energy. In addition, existing law is less safe for bike riders. It exposes the exposure time of bike riders to cross traffic and impedes traffic flow for everyone by increasing wait times.

Current law causes cyclists to break the law even though safely yielding provides a better practice and occurs millions of times a day without incident across the country. Moreover, current law is subject to arbitrary and inconsistent enforcement while taking the time of law enforcement personnel away from more dangerous and threatening behavior. Fines for those cited are the same as for motorists even though the danger created is far less."

Committee Comments: Changing the law to reflect the behavior of 96% of cyclists has shown to decrease, not increase injuries, as it makes drivers more aware of traditional bicycling behaviors. Bike Delaware, a cycling advocacy group behind the "Delaware Yield" collected data from the Delaware State Police both 30 months before and 30 months after the passage of the Delaware Yield. Both prior to and after the change, zero cyclists were involved in fatal crashes at a stop sign-controlled intersection. In addition, injury crashes involving cyclists at a stop sign-controlled intersection decreased by 23%, helping contribute to an 11% decrease overall for all crashes involving cyclists.

Contrary to the Governor's veto message, there is no evidence that this change in law will increase fatalities. While law enforcement data points to 88% of bicyclist fatalities at an intersection being the fault of the bicyclist failing to stop at a stop sign, it is important to note that the bicyclist killed by the driver that struck them is unable to contest their fault determination, and the surviving witness is the driver who was driving at a speed high enough to kill the bicyclist.

More recently, a study by NHTSA on the Idaho stop noted that "the timing of the Idaho Stop law and the unavailability of comparable data prevent a thorough analysis of the law on bicyclist safety. However, if the Idaho Stop law were associated with positive or negative effects on safety at the time of its enactment and exerted different effects over time, such changes would have manifested in a significant "Time since law in effect" coefficient. The fact that this coefficient was not statistically significant from zero implies that related crashes in Idaho neither increased nor decreased over time. Because this law is unique to Idaho and the statistical models were estimated with State-specific intercepts, it was not possible to quantify the difference in States'

Idaho Stop-related crashes associated with the law. As more localities begin to adopt this legal framework, this relationship will become testable in 5 to 10 years.”

While this bill understandably carved out individuals under 18 from the pilot in an attempt to address the Governor’s veto message, it may defeat the purpose of this bill, which was to provide more direction to motorists about traditional cyclist behavior at intersections with stop signs. A driver may be forced to distinguish the age of the cyclist and make a determination if the cyclist is going to yield or stop at the stop sign.

Previous Legislation:

AB 122 (Boerner Horvath) of 2021 was substantially similar to this bill. That bill was vetoed by the Governor.

AB 1103 (Olberholte) of 2017 would have allowed a person operating a bicycle to make a turn or to proceed through an intersection without stopping if no vehicle or pedestrian is in the intersection or constitutes an immediate hazard to the cyclist while they are in the intersection. That bill died in the Assembly Transportation Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Berkeley; City of
California Association of Bicycling Organizations
Civicwell (formally the Local Government Commission)

Support If Amended

California Bicycle Coalition
Streets for All

Oppose

California Association of Highway Patrolmen
California Coalition for Children's Safety and Health

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